

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

STAFF REPORT

Hearing Date/Agenda Number
P.C. 09-11-02 Item 4 b
C.C. 10-01-02 Item

File Number
C02-065

Application Type
Conforming Prezoning

Council District
7

Planning Area
N/A

Assessor's Parcel Number(s)
497-07-030

PROJECT DESCRIPTION

Completed by: Dipa Chundur

Location: Southeast corner of Fehren Drive and Monterey Road

Gross Acreage: 0.4

Net Acreage: 0.4

Net Density:

Existing Zoning: County

Existing Use: vehicular sales (truck and van)

Proposed Zoning: CG

Proposed Use: Same

GENERAL PLAN

Completed by: Dipa Chundur

Land Use/Transportation Diagram Designation
General Commercial

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: Dipa Chundur

North: Caltrain Park and Ride

CP

East: vehicle storage

CG

South: vehicle storage

CG

West: construction yard

IP(PD)

ENVIRONMENTAL STATUS

Completed by: Dipa Chundur

☒ Environmental Impact Report found complete (GP 2020 certified
8/16/1994)
☐ Negative Declaration circulated on

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: Dipa Chundur

Annexation Title: Franklin 49

Date:

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions
☐ Denial
☐ Uphold Director's Decision

Date:

Approved by: _____
☐ Action
☒ Recommendation

APPLICANT/OWNER/DEVELOPER

Director of Planning, Building & Code Enforcement
801 North First Street, Room 400
San Jose, CA 95110

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Dipa Chundur

Department of Public Works

None Received

Other Departments and Agencies

Fire Department: No Comments

GENERAL CORRESPONDENCE

None Received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The subject prezoning is related to Franklin 49 annexation. The Franklin 49 annexation as initiated by the adjacent property owners, Trung T. Trang, My Trang T. Trang and Hung T. Trang (C00- 10-110), would create a county island of the subject parcel. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Section Code 56757 B) states that an annexation proposal shall not create islands. It is, therefore necessary to incorporate the subject parcel in the Franklin 49 annexation.

The Director of Planning, Building and Code Enforcement has initiated the subject prezoning to facilitate the annexation. Director-initiated zonings can be referred to the Planning Commission even though the subject zoning is a conforming zoning.

This proposal is to prezone one parcel comprising of 0.4 acres from County to CG Commercial General Zoning District. A prezoning to CG Commercial General Zoning District is also proposed for the larger adjacent property. The subject site is at the southeast corner of Fehren Drive and Monterey Highway, and is currently used for second hand van and truck sales.

The uses surrounding the subject site include a Caltrain Park and Ride lot across Fehren Drive to the north, and a Caltrain Station across Monterey Highway to the west. The adjacent property to the east and south is one parcel, which is owned by applicant initiating the annexation, the eastern portion of which is leased by the owners of the subject site for used truck and van sales. The southerly portion of this site is used for vehicular storage.

A consent letter was mailed out to Stephen and Susan Brenner the owners of the subject site requesting that they consent to the annexation by August 30th 2002.

ENVIRONMENTAL REVIEW

The environmental impacts of this conforming pre-zoning were addressed by the Final EIR entitled, "San Jose 2020 General Plan EIR," which was certified on August 16, 1994 by the City Council Resolution Number: 65459.

GENERAL PLAN CONFORMANCE

The proposed rezoning to the CG Commercial General Zoning District is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of General Commercial.

ANALYSIS

The proposed rezoning will facilitate incorporation of the subject site into the City as part of the Franklin 49 annexation.

The subject property is located within the City's urban service area and should be annexed pursuant to LAFCO policies. The incorporation of the subject site with the Franklin 49 annexation would eliminate an existing "county pocket" and island that is completely surrounded by the City. Given that the subject site and the adjacent site initiating the annexation are the only remaining county properties in this area, not including the subject site in the annexation would be contrary to LAFCO direction. The proposed CG Commercial General Zoning District is consistent with the CG Commercial General District proposed on the adjacent larger site.

All existing uses on the subject site will be considered legal non-conforming upon annexation by the City, and the existing use can continue. However, any future expansion of the use or redevelopment of the site will have to conform to the requirements of the Commercial General Zoning District. As per Title 20 of the Municipal Code (Zoning Ordinance), the sale or lease of commercial vehicles are permitted in the CG Commercial General Zoning District (Table 20-90) with a Conditional Use Permit.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site.

RECOMMENDATION

Planning staff recommends approval of the proposed rezoning for the following reasons:

1. The Proposed rezoning is in conformance with the San Jose 2020 General Plan Land Use Diagram designation of General Commercial.
2. The proposed rezoning will facilitate the incorporation of the subject site with the pending Franklin 49 Annexation consistent with LAFCO Policies.
3. The subject rezoning will facilitate development that would be consistent with the Commercial General Zoning District.

Attachments

DC/11/207-02